

Appl. No. 10/016,114  
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### **REMARKS**

In accordance with the forgoing claims 9-12 have been amended, claims 2 and 13 have been canceled without prejudice or disclaimer of the subject matter contained therein, and new claims 20-24 have been added. Claims 1, 9-12 and 14-24 are pending and under consideration.

#### **I. Rejections Under 35 USC § 102**

Claim 1 stands rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,300,048 to Drewes, Jr. et al. ("Drewes"). Applicants respectfully assert that claim 1 of the present invention is patentably distinguishable from Drewes and the rejection is respectfully traversed.

Claim 1 of the present invention is directed to a guide catheter that includes a distal tip that is both radio-opaque and echogenic to enable the catheter to be utilized in either fluoroscopic or ultrasonic imaging techniques. While Drewes teaches a radio opaque distal portion, Drewes does not teach a first material in the distal tip, wherein the first material is radio-opaque and echogenic, as set forth in claim 1. Therefore, it is respectfully asserted that claim 1 is patentably distinguishable from Drewes. Accordingly, withdrawal of the rejection is respectfully requested.

#### **II. Rejections Under 35 USC § 103**

Claims 2-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Drewes. The rejection is respectfully traversed.

As described above, Drewes does not teach or suggest a first material in the distal tip, wherein the first material is radio-opaque and echogenic, as set forth in claim 1 and independent claim 12. Furthermore, Applicants respectfully disagree with the Examiner's assertion that the size of the radio opaque particles is a matter of design choice. Rather, as described at page 4, line 29 to page 5, line 1 and at page 5, line 27 to page 6, line 3, the particles are sized to have an

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increased surface area for reflection of ultrasonic energy and to permit slitting of the catheter.

Therefore, claim 1 and claims 3-11 dependent thereon and independent claim 12 and claims 14-19 dependent thereon are patentably distinguishable from Drewes.

### III. New Claims Added

New Claims 20- 24 have been added. No new matter has been added. Entry and consideration of the new claims is respectfully requested.

### IV. Conclusion

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this Amendment, the Examiner is requested to telephone the undersigned attorney to attend to those matters.

Respectfully submitted,

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